

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MANUEL PAREJO,  
Petitioner,  
v.  
SCOTT FRAKES,  
Respondent.

Case No. C10-5764RBL/JRC

## **REPORT AND RECOMMENDATION TO DENY IN FORMA PAUPERIS STATUS**

**NOTED FOR:**  
**February 18, 2011**

This habeas corpus action, filed pursuant to 28 U. S.C. § 2254, has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge's Rules MJR 3 and MJR 4. Before the court is a motion to proceed in forma pauperis filed after the filing fee has been paid and after the petition is ripe for review (ECF No. 13).

Petitioner has already paid the filing fee. Further, the record reflects petitioner has more than enough money in his account to pay a five dollar filing fee (ECF No. 13, page 4).

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in forma pauperis. *Weller v. Dickson*, 314

1 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Accordingly, the court recommends  
2 that the motion be DENIED.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
4 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.  
5 6. Failure to file objections will result in a waiver of de novo review by the District Court. See  
6 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is  
7 directed to set the matter for consideration on February 18, 2011, as noted in the caption.  
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9 Dated this 20<sup>th</sup> day of January 2011.

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13 J. Richard Creatura  
United States Magistrate Judge  
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